

## REMARKS

The present application includes pending claims 1-44, all of which have been rejected. Claims 1, 11, 22, 30 and 40 have been amended, as set forth above.

Claims 1-9, 11-19, 21-38 and 40-44 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,813,775 ("Finseth"). Claims 10 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth in view of U.S. 2006/0031883 ("Ellis"). Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth in view of U.S. 5,659,366 ("Kerman"). The Applicants respectfully traverse these rejections for at least the following reasons:

### I. **Finseth Does Not Anticipate Claim 1**

Claim 1 has been amended to recite, in part, **"upon said receiving the request for media consumption, from the user at the first location**, sending at least one indication of media consumption activity to the at least a second location, via the communication network, if the at least one condition is met."

Finseth "relates to systems and methods for presenting media programs to subscribing viewers, and in particular to a system and method for sharing viewer preferences among viewers." Finseth at column 1, lines 16-19. Finseth discloses a method that "transmit[s] at least a portion of the first viewer preference information to a second user for storage in a memory of a second user device." *See id.*

Finseth discloses a system in which a user sends viewer preferences at his/her own choosing. *See id.* at column 12, lines 23-25 (**"When the user wants to share viewing preference information**, the user initiates the process using, for example, remote control 86.").

The user may also set up a regular time in which to share the viewer preference information. *See id.* at column 12, lines 49-51 (“A user can select to regularly share preference information by establishing a **share interval** as will be discussed in more detail below.”).

The Applicants respectfully submit, however, that Finseth does not describe, teach or suggest “**upon said receiving the request for media consumption, from the user at the first location**, sending at least one indication of media consumption activity to the at least a second location, via the communication network, if the at least one condition is met,” as recited in claim 1. Thus, for at least this reason, the Applicants respectfully request reconsideration of the rejection of claims 1-10.

## **II. Finseth Does Not Anticipate Claim 11**

Claim 11 recites, in part, “upon receiving a request for media consumption from the second location, notifying the user, at the first location, of the receipt of the at least one indication of media consumption activity, if the at least one condition is met.” The Applicants respectfully submit that Finseth does not anticipate claims 11-21 for at least the reasons discussed above with respect to claim 1.

## **III. Finseth Does Not Anticipate Claim 22**

Claim 22 recites, in part, “software that receives at least one indication of media consumption activity from the at least a second location, via the communication network, and that responds by notifying the user if the at least one user defined condition is met **upon receipt of a request for media consumption**, and that refrains from notifying the user if the at least one user defined condition is not met.” The Applicants respectfully submit that Finseth does not anticipate claims 22-29 for at least the reasons discussed above with respect to claim 1.

**IV. Finseth Does Not Anticipate Claim 30**

Claim 30 recites, in part, “upon receiving a request for media consumption from a user, sending at least one indication of media consumption activity to a first location, via a communication network, if at least one condition received at a second location and defining when an indication of media consumption activity is sent by the second location to at least the first location is met.” For at least the reasons discussed above, the Applicants respectfully submit that Finseth does not anticipate claims 30-39.

**V. Finseth Does Not Anticipate Claim 40**

Claim 40 recites, in part, “software that receives at least one indication of media consumption activity from a second location, via a communication network, and that responds by notifying a user at the first location if at least one user defined condition for notifying the user at the first location is met **upon receiving a request for media consumption**, and that refrains from notifying the user at the first location if the at least one user defined condition for notifying the user at the first location is not met.” For at least the reasons discussed above, the Applicants respectfully submit that Finseth does not anticipate claims 40-44.

**VI. Claims 10, 20 And 39**

The Applicants respectfully submit that the proposed combination of Finseth and any of the other cited references does not render claims 10, 20 and 39 unpatentable for at least the reasons discussed above.

## **VII. Conclusion**

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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